



PATENT

Attorney Docket No.: 060616-5003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Ian Duncan RUBIN *et al.***

Serial No.: **09/891,615**

Filed: **June 27, 2001**

For: **EXTRACTS, COMPOUNDS AND  
PHARMACEUTICAL COMPOSITIONS  
HAVING ANTI-DIABETIC ACTIVITY AND  
THEIR USE**

) Confirmation No.: **8850**  
)  
) Group Art Unit: **1654**  
)  
) Examiner: **Michele C. Flood**  
)  
)  
)  
)  
)  
)

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE**  
**STATEMENT UNDER 37 C.F.R. 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed after the events recited in § 1.97(b), but to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by § 1.17(p).

Please charge the amount of \$180.00 as set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 50-0310.

Copies of the listed documents are enclosed. Applicants respectfully request that the Examiner consider the listed documents and indicate that the documents have been considered by making appropriate notations on the attached form.

09/20/2004 FMEK11 00000005 500310 09891615

01 FC:1806 180.00 DA

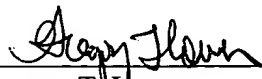
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies the document as "prior art" against any claims in the application and Applicants determine that the cited document does not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **September 17, 2004**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
Telephone: (202) 739-3000  
Facsimile: (202) 739-3001

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
\_\_\_\_\_  
Gregory T. Lowen  
Registration No. 46,882

